

REMARKS

Claim Rejections

Claims 1 and 2 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yu et al. (U.S. 2004/0257792). Claims 3 and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yu et al. in view of Nakamura (U.S. 6,652,109).

Drawings

It is noted that the Examiner has accepted the drawings as originally filed with this application.

New Claims

Applicant respectfully traverses the rejection of claims 1 and 2 as being unpatentable over Yu et al. (U.S. 2004/0257792), and claims 3 and 4 as being unpatentable over Yu et al. in view of Nakamura (U.S. 6,652,109). Applicant submits that Yu et al. is not “prior art” under any section of 35 U.S.C. §102 with respect to the instant application. 35 U.S.C. §102 (e)(1) requires that a published application be by another filed in the United States before the invention by the Applicant for a patent. Applicant notes that the published application to Yu et al. was not filed in the United States until September 4, 2003, and that a claim to a priority date of June 19, 2003, to Taiwan application no. 092116616 was perfected. However, both dates of Yu et al. are subsequent to the Applicant’s date of invention on the record of this application, which is Applicant’s priority date of February 10, 2003. In the instant application, Applicant has perfected the claim to priority by filing a certified copy of Taiwan application no. 09220372530. Thus, it is believed to be quite evident that Yu et al. is not “prior art” under 35 U.S.C. § 102 and, therefore, cannot be used as prior art in a rejection made under 35 U.S.C. § 103. The outstanding rejections of claims 1-4 as being rendered obvious by Yu et al., and Yu et al. taken in view of Nakamura are respectfully traversed.

Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

Date: October 3, 2005

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